

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 40206. Summary Possession Proceedings.

(a) *Pleadings.* The landlord or his attorney applying for the removal of any tenant shall file a complaint stating the facts which authorize the removal of the tenant, and describing the premises in the Superior Court in the senatorial district where the premises are situated. All defenses of law or fact shall be contained in the tenant's answer which shall be filed within five days after service of process. If the answer incorporates a counterclaim, the landlord shall include all defenses of law or fact in his answer to the counterclaim and shall serve it within five days after service of the counterclaim. No other pleadings are permitted. All defensive motions, including motions to quash, shall be heard by the court prior to trial.

(b) *Discovery.* Depositions on oral examination may be taken by any party at any time. Other discovery and admissions may be had only on order of court setting the time for compliance. No discovery postpones the time for trial except for good cause shown or by stipulation of the parties.

(c) *Jury Trial.* A jury trial is authorized, and any party may demand it in any pleading or by a separate paper served not later than five days after the action comes to issue. When a jury is in attendance at the close of the pleadings or the time of demand for jury trial, the action may be tried immediately; otherwise, the court shall order a special venire to be summoned immediately. If a special venire be summoned, the party demanding the jury shall deposit sufficient money with the clerk to pay the jury fees which shall be taxed as costs if the demanding party prevails.

(d) *New Trial.* Motion for new trial shall be filed and served within five days after entry of judgment. A reserve motion for directed verdict shall be renewed within the period for moving for a new trial.

(e) *Appeal.* Notice of appeal shall be filed and served within 30 days from the rendition of the judgment appealed from.

Source: PL 10-67, § 8.